

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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MAX KELLERMAN,	:	Electronically Filed
	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO.:
v.	:	CV-08-5295 (RJH)
	:	
JON LIEBMAN,	:	ECF CASE
	:	
Defendant.	:	
	:	
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**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of points and authorities, Defendant Jon Liebman, by his undersigned counsel, hereby moves before the Honorable Richard J. Holwell of the United States District Court for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an order dismissing the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground that the Complaint fails to state a claim upon which relief may be granted, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
July 3, 2008

Respectfully submitted,

WACHTELL, LIPTON, ROSEN & KATZ

By:   
Herbert M. Wachtell (HW-7347)

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